

IN RE APPLICATION OF KUNIYOASHI MASUZAWA ET AL  
SERIAL NO. 07/003,822  
FILED JANUARY 16, 1987



DOCKET NO. 1703-021-0

12A  
12C 7/5/90

GP  
129

FOR 8-ALKOXYQUINOLONECARBOXYLIC ACID AND SALTS THEREOF EXCELLENT IN THE SELECTIVE TOXICITY AND PROCESS OF PREPARING SAME

THE COMMISSIONER OF PATENTS AND TRADEMARKS  
WASHINGTON, D.C. 20231

Sir:

Transmitted herewith is an amendment in the above-identified application.

☒ No additional fee is required.

☐ Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.

☐ Small entity status of this application under 37 CFR 1.9 and 1.27 is established by a verified statement submitted herewith.

☐ Additional documents filed herewith:

The fee has been calculated as shown below.

|  | (Col. 1)               |       | (Col. 2)                        | (Col. 3)      |
|--|------------------------|-------|---------------------------------|---------------|
|  | Claims Remaining After |       | Highest No. Previously Paid For | Present Extra |
| Total  | 8                      | Minus | 19                              | = 0           |
| Indep  | 1                      | Minus | 5                               | = 0           |
| <input type="checkbox"/> First presentation of multiple dep. claim |                        |       |                                 |               |

| Small Entity |            |
|--------------|------------|
| Rate         | Addit. Fee |
| x6 =         | \$         |
| x18 =        | \$         |
| +60 =        | \$         |
| Total        | \$         |

| Other Than a Small Entity |            |
|---------------------------|------------|
| Rate                      | Addit. Fee |
| x12 =                     | \$ 0       |
| x36 =                     | \$ 0       |
| +120 =                    | \$ 0       |
| Total                     | \$ 0       |

☐ A check in the amount of \$ --- is attached.

☐ Charge \$ --- to deposit account no. ---. A duplicate copy of this sheet is enclosed.

☒ Please charge any additional fees for the papers being filed herewith and for which no check is enclosed herewith, or credit any overpayment to deposit account no. 15-0030. A duplicate copy of this sheet is enclosed.

☒ Please charge any additional fees or credit any overpayment of fees required under 37 CFR 1.136 for any necessary extension of time to make the filing of the attached response timely to deposit account no. 15-0030. A duplicate copy of this sheet is enclosed.

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

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- \* If the entry in Column 2 is less than the entry in Column 1 write "0" in Column 3.
- \*\* If the "Highest Number Previously paid for" IN THIS SPACE is less than 20 write "20" in this space.
- \*\*\* If the "Highest Number Previously paid for" IN THIS SPACE is less than 3 write "3" in this space.



#18  
K. Shon  
7/11/90

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF :  
KUNIYOSHI MASUZAWA ET AL :  
SERIAL NUMBER: 07/003,822 : GROUP: 129  
FILED: JANUARY 16, 1987 : EXAMINER: TURNIPSEED  
FOR: 8-ALKOXYQUINOLONECARBOXYLIC :  
ACID AND SALTS THEREOF :  
EXCELLENT IN THE SELECTIVE :  
TOXICITY AND PROCESS OF :  
PREPARING THE SAME :

SUPPLEMENTAL AMENDMENT

HONORABLE COMMISSIONER OF PATENTS AND TRADEMARKS  
WASHINGTON, D.C. 20231

SIR:

Further to the Amendment filed June 25, 1990, it has been noted that the Remarks on page 4 contain an error. In particular, the Remarks as filed state:

In addition, applicants have further amended Claim 1 and canceled Claims 11 and 14 through 16 to provide unity of invention, i.e., limit the claims to disubstituted pyrrolidinyl.

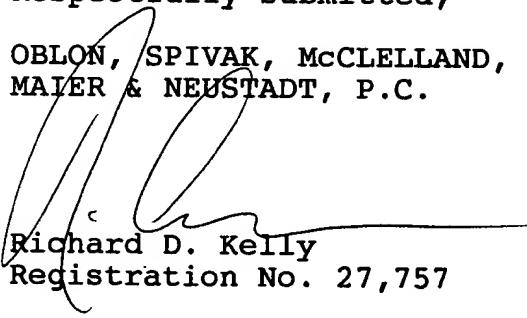
This statement is incorrect to the extent that it implies that the claims are limited to disubstituted pyrrolidinyl. Indeed, as can be seen from Claim 8, 9, 10 and 12, the claims clearly are not limited to disubstituted pyrrolidinyl. What was implicit in the statement but not clearly stated was that the disubstituted pyrrolidinyl compounds do not exhibit the same biological properties as the monosubstituted ones. This can be seen by comparing the results for the disubstituted compounds shown in

Experiment 6 with those from monosubstituted compounds shown in Experiment 7 through 9 and 11, in particular Experiment 11. As can be seen from the results reported in particular on pages 31 and 33, the disubstituted pyrrolidinyl compound showed significantly superior results when compared to the monosubstituted compound of Experiment 11. Thus, it was not seen that as between the mono and disubstituted compounds that unity of invention existed since the biological activities appeared to be significantly different, i.e., the monosubstituted pyrrolidinyl compounds being patentably distinct from the disubstituted ones.

With this clarification, it is respectfully submitted that this application is now in condition for allowance and early notice to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



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